

REMARKS/ARGUMENTS

Upon entry of the foregoing amendments claims 1, 3 – 5, 8, 10 – 14, and 21 – 24 are pending. Claims 1, 3, 8, 10, 11, and 14 have been amended. Claims 21 – 24 have been newly added. Support for the new claims and the amendments to claims will be presented in the following remarks.

Claims 2, 6, 7, 9, and 15 – 20 have been canceled. The Applicants reserve the rights to file continuation or divisional applications directed to the subject matter for all withdrawn/canceled claims. Consideration and allowance of the pending claims is hereby requested in view of the above amendments and the following remarks.

Substitute Specification

Applicants thank the examiner for approving the substitute specification filed July 12 2007 for entry.

Sequence Listing

Applicants submit herewith the following documents in response to the examiner's objection:

1. A copy of the substitute computer readable form (CRF);
2. A copy of the substitute paper copy of (1) as required by 37 CFR 1.821(f).

Applicants hereby declare that the content of the sequence listing information recorded in the computer readable form as mentioned in (1) and its paper copy (2) are identical. No new matter has been added to the sequence listing information.

Applicants, in addition, request amendments to be made on the specification of the application, as indicated in Appendix A of this letter. The amended specification contains the incorporation of reference to the sequence listing to specifically direct the entry of the sequence listing into the specification. No other amendments have been

made, and no new matter has been added to the specification.

Amendment to the Specification

Abstract

Applicants request replacement of the original abstract of the specification with the following:

(57) Abstract

The peptide Isoleucyl-valyl-threonyl-asparaginyl-threonyl-threonine (SEQ ID NO. 1) is disclosed with its uses as a pharmaceutical composition in reducing symptoms of viral disease and stimulating properties of immune system in a subject. A method is also disclosed for making a pharmaceutical composition comprising providing an Isoleucyl-valyl-threonyl-asparaginyl-threonyl-threonine peptide (SEQ ID NO.1) and mixing said peptide with a pharmaceutical acceptable carrier.

Informalities

Applicants also request replacement of sentence in page 35 line 2 with the following:

"An example of such a vector is provided by U.S. Patent No. 5,529,908, to Palva, which is incorporated herein by reference in its entirety."

This amendment to the specification corrects the incorrect cited patent number and the misspelled inventor's name.

Preliminary Amendment filed July 12 2007

Applicants acknowledge the examiner's rejection in view of 35 U.S.C. 132(a). Applicants respectfully cancel the amendment filed in July 12 2007.

Applicants respectfully submit that the objections are now obviated in view of the aforesaid amendment.

35 U.S.C. §101 Rejections

The examiner objected to Claims 15 to 19 for directing to non-statutory subject matter. Applicants respectfully submit that the objection is moot as Claims 15 to 19 have been canceled.

35 U.S.C. §112, Second Paragraph Rejections

The examiner objected to Claims 2 to 4 and 15 to 19 as being indefinite. Claims 3 and 4 have been amended to depend on Claim 1. Claims 2 and 15 to 19 have been canceled. Applicants submit that objection is now moot.

The examiner objected to Claims 1 to 20 as failing to recite SEQ ID NOS. Applicants submit that this objection is obviated by amendment of the pending claims. Applicants further submit that Claim 9 has been canceled in view of the examiner's advice.

For the foregoing reasons, Applicants respectfully request reconsideration to the above mentioned claims.

35 U.S.C. §102(b) Rejections

The examiner has rejected Claim 1 to 20 as being anticipated by Vassilev *et al.* Applicants submit that this rejection is moot, in part, by the cancellation of Claims 2, 6, 7, 9, and 15 to 20. Further, Claims 1, 8, and 14 have been amended directing to a "pure peptide consisting of an amino acid sequence of SEQ ID NO. 1." Applicants traverse the rejection of the aforesaid claims as anticipated by Vassilev *et al.* pursuant to MPEP §2131. The Court's opinion in *Verdegaal Bros. v Union Oil Co. of California*,

814 F.2d 628, 631 ruled that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicants submit that the aforesaid amended claims recite “pure peptide consisting of an amino acid sequence of SEQ ID NO. 1.” Vassilev *et al.* disclosed only an extract from animal spleen and contains various low molecular weight glycoproteins, wherein the extract comprises numerous impurities and unwanted materials, and not only the claimed peptide. Thus Vassilev *et al.* teaches no pure peptide which consist of an amino acid sequence of SEQ ID NO.1.

The examiner has also rejected Claims 1 to 5, 7 to 11, and 15 to 20 as being anticipated by WO 01/75067 (hereinafter ‘067). This rejection again is moot, in part, by cancellation of Claims 2, 6, 7, 9, and 15 to 20. In view of the aforesaid *Verdegaal* judgment, ‘067 discloses only a peptide with 81 amino acids, wherein said peptide comprises numerous amino acids. ‘067 therefore teaches no pure peptide which consist of an amino acid sequence of SEQ ID NO.1.

Accordingly, Applicants respectfully request that the rejection of amended Claims 1, 8, 11 and 14 pursuant to 35 U.S.C. §102(b) in view of Vassilev *et al.* and ‘067 be withdrawn.

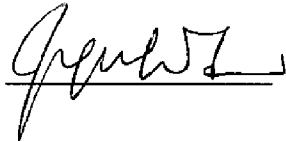
Support for new claims

Applicants submit that support for the newly added claims 21 and 22 can be found in the instant WIPO publication, page 2 paragraph 6 and page 12 first paragraph. Support for claim 23 and 24 can be found in page 12 paragraph 2 and page 14 paragraph 2 and 3.

CONCLUSION

Applicant believes that the foregoing constitutes a complete and full response to the Office Action of record. In view of the above amendments and remarks this application is believed to be in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jacqueline C. Lui', is written over a horizontal line.

Jacqueline C. Lui

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